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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

HOMELAND INSURANCE COMPANY)
OF NEW YORK,)

Plaintiff,)

vs.)

Case No. 15-CV-31-J

POWELL HOSPITAL DISTRICT,)
POWELL VALLEY HEALTH CARE,)
INC., HEALTHTECH MANAGEMENT)
SERVICES, INC., JEFFREY HANSEN,)
M.D., and WILLIAM D. PATTEN,)

Defendants.)

and)

HEALTHTECH MANAGEMENT)
SERVICES, INC. and BILL PATTEN,)

Counterclaimants)

vs.)

**STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE**

UMIA INSURANCE, INC. and)
LEXINGTON INSURANCE COMPANY,)

Counterclaim-Defendants)

)
and)
)
POWELL HOSPITAL DISTRICT,)
POWELL VALLEY HEALTH CARE,)
INC., and JEFFREY HANSEN, M.D.,)
)
Cross-Claimants,)
)
vs.)
)
UMIA INSURANCE, INC., and)
LEXINGTON INSURANCE COMPANY,)
)
)
Crossclaim-Defendants.)

COME NOW, Powell Hospital District (the “District”) and Lexington Insurance Company (“Lexington”), by and through their respective counsel, and enter into this Stipulation for Dismissal without Prejudice (the “Stipulation”) and state as follows:

1. District filed its Crossclaim against Counterclaim Defendant Lexington on October 18, 2015 seeking a declaration of coverage under certain insurance policies issued by Lexington which named District as an insured.

2. Lexington filed its Answer and defenses to the District’s Crossclaim, which Answer was filed on November 9, 2015.

3. On May 16, 2016, PVHC filed a Voluntary Petition for Relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Wyoming, Case No. 16-20326.

4. On January 24, 2018, the Bankruptcy Court entered its Order confirming the Amended Chapter 11 Plan of Reorganization for Powell Valley Health Care, Inc. (the “Confirmation Order”) [Bankruptcy ECF No. 826].

5. Pursuant to the terms of the Confirmation Order and the Amended Chapter 11 Plan [Bankruptcy ECF No. 807] approved thereunder, a personal injury trust was established to pay the claimants asserting claims against Hansen and Scott J. Goldstein was appointed as the Trustee thereof, such that Scott J. Goldstein is the successor in interest to PVHC in connection with this action.

6. Pursuant to the terms of the Confirmation Order and the Amended Chapter 11 Plan, the District has been released of liability and/or provided protection under the terms of the PVHC Confirmation Order and Amended Chapter 11 Plan and related documents.

7. Pursuant to the terms of the Confirmation Order and Amended Chapter 11 Plan, the District has made concessions and agreed to forego certain rent payments in exchange for its release of liability.

8. As a result of the agreements approved by the Bankruptcy Court, the District no longer desires to pursue its claims against Lexington and has agreed to dismiss all claims against Lexington asserted in this litigation without prejudice and agrees and stipulates not to reassert any claims against Lexington unless Lexington asserts claims in this litigation against the District.

9. Lexington acknowledges that it has not asserted in this litigation any claims against District.

10. The persons signing this Stipulation on behalf of each party stipulate that they are authorized to make the representations set forth herein on behalf of their clients.

11. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 41(c)(2), District and Lexington stipulate to the dismissal of the District's claims against Lexington without

prejudice as set forth above. The parties further stipulate that upon approval of this Stipulation by the Court, the District should be dismissed from this action.

12. IT IS FURTHER STIPULATED AND AGREED that without further notice, the above-referenced claims of District against Lexington are dismissed without prejudice and without costs, fees, or disbursements of either of the parties.

Dated: July 12, 2018


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Dated July 13th, 2018


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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed using the CM/ECF system and served on the following individuals via:

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this 13th day of July, 2018.



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